IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2194 OF 2006

Hariom K. Sharma. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr. Subhash Jha i/by M/s. Law Global for the Applicant.

Ms. S.V.Gajare, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 23.6.2006.

P.C.

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.156/2006 registered by MIDC Police Station, Mumbai. The police have registered the said C.R. on a complaint dated 11.4.2006 by a married woman Saroj Mukhesh Pal. On perusal of the complaint as well as her supplementary statement recorded by the police, she was first raped by her husband's brother Devendra 8 to 10 days before lodging of the F.I.R. i.e. on or about 31.3.2006. She then claims that she was raped by the present complainant in a completely different incident which occurred on 9.4.2006. According to the prosecutrix, one boy by name Lahu came and called her from her residence saying that she was being called to help at the house of

the present applicant as the aunt of the present applicant was not well. The prosecutrix states that she knows the family of the applicant well and therefore, without any suspicion she went there. She further states that there the applicant misbehaved with her and therefore, she complained to the aunt of the present applicant, who is co-accused Usha but she did not help her. Then at that time the son of Usha came there and applicant asked Lahu to get a pan. He asked the prosecutrix about the preference and the prosecutrix intimated that she would like to have a pan. At that time the applicant is said to have pushed her and committed rape on her while co accused Usha was in the house. After the alleged act, the prosecutrix is said to have come home and tried to contact her husband but she could not do so. However, her husband returned at about 8.00p.m. in the evening. When she attempted to informed him about the incident, he beat her. On the next day he left her at her parents place. The prosecutrix was medically examined after the FIR was registered. The medical examination does not support the case of rape. The police have also recorded the statement of the husband of the prosecutrix and he partially supports the theory of rape and states that he had made enquiry in the house of the applicant and learnt that the applicant had only misbehaved with his

wife. The police have arrested the brother-in-law of the prosecutrix Devendra who has been granted bail on merits. The other accused Usha has not been arrested. In my view, there is strong possibility that the offence may be U/s.354 of the I.P.C. In the circumstances, I am inclined to grant bail to the applicant. It is therefore, directed that pending trial in pursuance of C.R.No.156/2006 registered by MIDC Police Station, Mumbai, the applicant may be released on bail in the sum of Rs.15,000/- with one surety in the like amount subject to the condition that he should report to the Investigating Officer once in a week on every Monday and thereafter, once in a fort night on every first and third Mondays till the trial is completed.

2. The observations in this order are not to influence the trail court at the stage of trial.

3. Application is disposed of.

(R. S. MOHITE, J.)